

605 KAR 1:035. Facilities requirements.

RELATES TO: KRS 190.010 (19), 190.035

STATUTORY AUTHORITY: KRS 190.020, 190.035, 190.073

NECESSITY, FUNCTION, AND CONFORMITY: KRS 190.035 provides for dealers to have an established place of business with sufficient space and attributes consistent with the activity of the license applied for as established by regulations issued by the commission. KRS 190.073 requires the commission to promulgate appropriate and reasonable administrative regulations for the purpose of carrying out the provisions of KRS Chapter 190. This administrative regulation establishes those requirements and standards.

Section 1. In addition to the requirements of KRS 190.010(19), the established place of business of a dealership shall:

- (1) Have a business office which:
 - (a) Is underpinned and on a permanent foundation. The dealership business office need not be a separate walled enclosure;
 - (b) Has electricity;
 - (c) Has adequate facilities for the physical or electronic storage of business records;
 - (d) Has a working business telephone used exclusively for the sale of motor vehicles;
 - (e) Has a desk and chairs for the use of the business;
 - (f) Has at least 100 square feet of floor space;
 - (g) Is located on or immediately adjacent to the vehicle storage or display lot;
 - (h) Is not part of a residence;
 - (i) Is used exclusively as a licensee business office and has a separate postal street address.
- (2) Have a vehicle storage or display lot which:
 - (a) Has a hard surface lot (gravel, asphalt, concrete, or other suitable covering);
 - (b) Is at least 2,000 square feet in size;
 - (c) Is used exclusively for the display and showing of vehicles for sale and licensee customer parking; and
 - (d) Is a distinctively defined area from that which surrounds it.

Section 2. A location otherwise meeting the requirements of this administrative regulation may be used by more than one (1) business or licensee, provided that each licensee has sufficient rights to suitable space and adequate facilities to conduct the separate business of a motor vehicle dealer. Notwithstanding the provisions of this section, not more than one (1) licensee for the same licensed activity shall be licensed from a single place of business if the licensee shares any of the facilities listed in Section 1 with another licensee or business in order to meet the minimum facility requirements.

Section 3. A motor vehicle dealer, other than a wholesale dealer, shall display on his premises a sign with lettering not less than nine (9) inches in height, which is clearly visible from the nearest roadway, and which specifically identifies his business. The business name on the sign shall be the same as that on the license application.

Section 4. Every licensee who conducts an automobile salvage or junk business on the same premises shall be in compliance with all state administrative regulations regarding junkyard operations. The licensee shall have an area for the display of vehicles for sale and an office separate and apart from the area where junk cars or parts are stored or situated.

Section 5. If a licensee operates a garage for the repair or rebuilding of wrecked or disabled vehicles, an office and area for the display of vehicles separate and apart from the area where the repairs are made shall be allocated for the licensed activity.

Section 6. The requirements in this administrative regulation shall not apply to a non-profit motor vehicle dealer. (47 Ky.R. 2765; 48 Ky.R. 1128; eff. 11-15-2021.)